

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION



FILED
ASHEVILLE, NC

MAR 13 2024



U.S. DISTRICT COURT
W. DISTRICT OF N.C.

RYAN CRAIG STEVENS

Plaintiff,

v.

**MONTREAT COLLEGE;
DR. PAUL J. MAURER;
DR. DANIEL T. BENNETT;
DR. DOROTHEA K. SHUMAN; and
DR. RYAN T. ZWART,**

Defendants.

Hand-Delivered

Case No. 1:23-cv-00284-MR-WCM

**MOTION FOR APPROPRIATE SANCTIONS
PER DEFENDANTS' COUNSEL'S
COERCION (COMPELLENCE),
BAD FAITH DECLARATION,
INEXCUSABLE DELAY,
AND PREJUDICE**

Pursuant to Rule 56(h) of the Federal Rules of Civil Procedure, Plaintiff, Ryan Craig Stevens, respectfully moves the Court to order Defendants' counsel to pay reasonable expenses incurred by Plaintiff, determined by the Court, and be subjected to additional appropriate sanctions, as a result of Defendants' counsel having prejudiced Plaintiff by committing gross acts, including, but not limited to: 1) coercing Plaintiff via compellence, specifically threatening that Defendants' counsel would sue Plaintiff, if he did not withdraw his Motion for Entry of Default; 2) demanding Plaintiff to file an amended complaint, without including additional exhibits, and within an unreasonable timeframe (24 non-business hours), in order to advantage Defendants, and moot Plaintiff's Motion for Entry of Default; and 3) filing a bad faith declaration, alleging Plaintiff did not request the Individual Defendants' addresses, until December 22, 2023, after Plaintiff demanded Defendants' counsel to furnish the Individual Defendants' addresses on May 1, 2023.

In support of this motion, Plaintiff shows good cause, per Defendants' bad faith tactics, as follows:

1. On April 18, 2023, the Individual Defendants prior counsel, Mr. Townsend states, "in addition to Montreat College, we also represent [the] [I]ndividual [D]efendants Dr. Mau[r]er, Dr. Bennett,

2. On April 21, 2023, Mr. Townsend states, “the four individual defendants may be served through us at the address listed below. Please do not contact them directly,” refusing to furnish their addresses, causing substantial disruption and delay of the proceedings. (Exhibit 2)

3. On April 30, 2023, Defendants’ counsel demanded Plaintiff to file an amended complaint, requiring “the exhibits remain the same (no changes to the Exhibit numbers or additional exhibits),” within an unreasonable timeframe (24 non-business hours) (Exhibit 3), in order to advantage Defendants, and retroactively moot Plaintiff’s Motion for Entry of Default.

4. On April 30, 2023, Defendants’ counsel falsely alleged to have proof of delivery, regarding the Motion of Defendant Montreat College for Thirty-Day Extension of Time to Respond to Complaint, filed on November 22, 2022, but retracted the claim on May 2, 2023, stating, “there is no ‘proof’ of delivery because it was sent by regular mail,” and even if [Montreat’s counsel] never moved for an extension and filed a motion to dismiss on December 29, 2022, [Plaintiff] would have no right to entry of Default, because Montreat College already filed a motion to dismiss,” (Exhibit 4, P 7), while ignoring the 30 day time requirement to appear and answer the summons, pursuant to Rule 4(b) of the Rules of Civil Procedure.

5. On May 1, 2023, Defendants’ counsel coerced Plaintiff via threatening, “Please **confirm** that you are **withdrawing your motions** for entry of default. **If not**, I will notice a hearing on those motions and seek all available remedies, including attorney’s fees, incurred to oppose the motions.” (Exhibit 5)

6. On January 3, 2024, per the DECLARATION OF JESSE SCHAEFER, Mr. Schaefer makes the following false statement, “On December 22, 2023, Plaintiff emailed me to request, for the first time, confirmation of the Individual Defendant’s addresses. I updated and confirmed the addresses by email the same day,” as Plaintiff demanded Defendants’ counsel to furnish the Individual Defendants’ addresses on May 1, 2023, at 6:00 P.M., as follows: “Please furnish each of the Defendants’ addresses” (Exhibit 6).

7. On April 21, 2023, Plaintiff demanded Defendants' counsel to furnish the Individual Defendants' addresses, as follows, "Please furnish the addresses for each of the following parties: Dr. Maurer, Dr. Bennett, Dr. Shuman, and Dr. Zwart" (Exhibit 7).

8. Defendants' counsel has acted in bad faith by failing to reasonably cooperate with Plaintiff, as withholding the Individual Defendants' addresses was inappropriate, unprofessional, and unreasonable, causing substantial disruption and delay of the court proceedings.

9. On January 3, 2024, per the DECLARATION OF JESSE SCHAEFER, Mr. Schaefer makes the following false statement, "On June 8, 2023, as part of his turnover of this case, Mr. Townsend forwarded me an email chain containing his prior exchanges with Plaintiff Ryan Craig Stevens. A true and accurate copy of that email chain is attached as Exhibit A," as Defendants' counsel states, the email chain contains the entire email correspondence between Mr. Townsend and Plaintiff, deceptively misleading the Court, as Defendants' counsel excludes substantive evidence, relevant to the matter.

10. Mr. Schaefer's acts of bad faith, including, but not limited to, coercion, substantive delay, false declaratory statements, and prejudice, are attempts to wrongfully benefit Defendants.

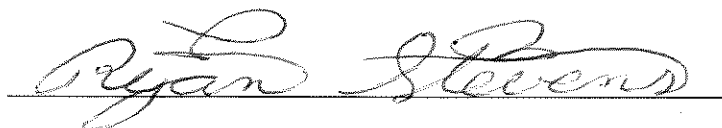
11. Mr. Schaefer's dilatory conduct of perjury has burdened and mislead the Court.

12. Mr. Schaefer's substantial bad faith acts has caused irreversible damage.

13. Defendants' counsel indeed has prejudiced Plaintiff.

WHEREFORE, Plaintiff respectfully requests the Court order Defendants' counsel to pay reasonable expenses incurred by Plaintiff, determined by the Court, and be subjected to additional appropriate sanctions.

Dated this 13th Day of March, 2024.

A handwritten signature in cursive script, reading "Ryan Craig Stevens", written over a horizontal line.

Ryan Craig Stevens

23 Sleepy Hollow Lane
Swannanoa, NC 28778
(865) 469-1950
Ryan_Stevens316@icloud.com

Plaintiff in pro se

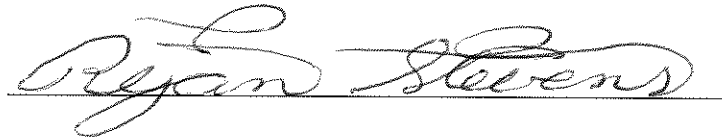
CERTIFICATE OF SERVICE

I, PLAINTIFF, hereby certify the foregoing **MOTION FOR APPROPRIATE SANCTIONS PER DEFENDANTS' COUNSEL'S COERCION (COMPELLENCE), BAD FAITH DECLARATION, INEXCUSABLE DELAY, AND PREJUDICE** was filed, this day, via the CM/ECF system, and served contemporaneously via U.S. mail and email to Defendants' counsel:

Beth Tyner Jones, N.C. State Bar No. 15923
Jesse A. Schaefer, N.C. State Bar No. 44773
Womble Bond Dickinson (US) LLP
555 Fayetteville Street, Suite 1100
Raleigh, NC 27601
Telephone: (919) 755-8125
Facsimile: (919) 755-6752
Email: Jesse.Schaefer@WBD-US.com
Beth.Jones@WBD-US.com

Counsel for Defendants, Montreat College, et al.

Dated this 13th Day of March, 2024.

A handwritten signature in cursive script, reading "Ryan Stevens", written over a horizontal line.

Ryan Craig Stevens

23 Sleepy Hollow Lane
Swannanoa, NC 28778
(865) 469-1950
Ryan_Stevens316@icloud.com

Plaintiff in pro se